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9 *Attorneys for Defendant Michael Merrell*

10 **FILED**
11 DISTRICT COURT OF GUAM
12 NOV 27 2006
13 **MARY L.M. MORAN**
14 **CLERK OF COURT**

15 **IN THE UNITED STATES DISTRICT COURT**

16 **FOR THE TERRITORY OF GUAM**

17 UNITED STATES OF AMERICA,

18 Criminal Case No.06-00052

19 Plaintiff,

20 vs.

21 MICHAEL MERRELL,

22 Defendant.
23
24 **MOTION FOR LEAVE TO FILE
25 FACSIMILE WAIVER OF APPEARANCE
26 AT INITIAL APPEARANCE AND
27 ARRAIGNMENT**

28 Pursuant to G.R. 5.1(a) of the Local Rules of Practice for the District Court of Guam,
16
17 Defendant Michael Merrell respectfully moves the Court for leave to file herein a facsimile copy
18 of the Waiver of Appearance at Initial Appearance and Arraignment, which is attached hereto.
19 The defendant is presently in Oklahoma and has executed the waiver in that state. The signed
20 original has been sent to defense counsel via mail and will be filed with this Court immediately
21 upon receipt.

22
23 **RESPECTFULLY SUBMITTED** this 27th day of November, 2006.

24
25 **LUJAN AGUIGUI & PEREZ LLP**

26 By:
27
28


26 **DELIA LUJAN, ESQ.**
27
28 *Attorneys for Defendant Michael Merrell*

2:09 AM 11/24/04

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**IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM**

9 | UNITED STATES OF AMERICA.

Criminal Case No.06-00052

10 Plaintiff.

**WAIVER OF APPEARANCE AT INITIAL
APPEARANCE AND ARRAIGNMENT**

11

MICHAEL MERRELL

Defendant

16 Upon being fully advised by my counsel of my right to be present at the initial appearance
17 and arraignment, I, Michael Merrell, being the Defendant in the above-styled action, do hereby
18 waive my right to be present at the initial appearance and arraignment in this matter, as I am
19 presently in the mainland United States and my counsel will appear on my behalf at such
20 hearings. I further state that I have received a copy of the information charging me with Driving
21
22 Under the Influence of Alcohol, and, as to this charge, I plead not guilty.

DATE: 11/24/06

MICHAEL MERRELL
Defendant

LUJAN AGUILAR & PEREZ LLP

27 DATE: _____ By: _____

DELIA LUJAN, ESQ.
Attorneys for Defendant Michael Merrell